

Docket No. 1560B

Telefax 703/872-9306

REMARKS

Claims 1-56 are pending in the present application. By her Office Action dated January 6, 2004, the Examiner has rejected all claims as being "based on a defective reissue declaration." The present amendment adds new claims 57 and 58. In addition, a supplemental declaration responsive to the Examiner's Office Action is being submitted.

The Examiner notes that the inventor's original 1997 Declaration Indicated that a certain claim limitation was unnecessary. That is correct, and it is a position that applicant continues to maintain. During the course of the prosecution of this reissue application, applicant has amended the claims to replace the 0.5 μ m limitation with a requirement that the viscoelastic material be free of "harmful particulate matter." The claims as thus amended, however, have met with rejections from the Patent Office, the basis for which applicant respectfully continues to dispute. Nevertheless, in view of these rejections, applicant has, in an attempt to move this protracted prosecution forward, reintroduced the 0.5 μ m limitation through applicant's Amendment dated January 24, 2003. The present claims, directed to viscoelastic solutions free of harmful particulate matter greater than 0.5 μ m in diameter are intended to address the same error recited in the original declaration. Applicant respectfully submits that 35 CFR § 1.175(b) does not, under these circumstances, require a supplemental declaration. Again, however, in an attempt to further the prosecution of this case and comply with the Examiner's request, applicant is submitting herewith the Supplemental Declaration of Bradford C. Webb, the sole inventor. The contents of Mr. Webb's Declaration are by this reference incorporated herein.

By his Declaration, Mr. Webb confirms that the amendments just discussed were designed to address the errors identified in his original 1997 Declaration. He also notes that new claims 57 and 58 do not contain the 0.5 μ m limitation, but rather are limited to blended material corresponding to dependent claims 6 and 10 of the originally issued patent. In the sense that these claims require two different molecular weight hydroxypropylmethylcellulose materials blended together to yield a resultant material having a specific zero shear viscosity and average molecular weight, these claims are narrower than the corresponding independent claims of the issued patent. In view of these narrowing limitations, introduction of the 0.5 μ m limitation is unnecessary. No new matter has been added.

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Applicant respectfully submits, therefore, that in view of the Supplemental Declaration being submitted herewith, the Examiner's basis for rejecting the pending claims has been overcome, and that all claims are now in condition for allowance. Please direct any questions concerning the foregoing to the undersigned.

Respectfully submitted,

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